

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:02cv217**

REBECCA WILLIS,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
TOWN OF MARSHALL, NORTH)	
CAROLINA, a corporation of the)	
State of North Carolina,)	
)	
Defendant.)	
)	

THIS MATTER is before the court on the plaintiff's Amended Motion to Compel. On August 15, 2006, the court conducted a hearing on such motion at which respective counsel were present and argued. At the conclusion of such arguments the court determined that defendant had not fully answered interrogatories and produced documents, and had otherwise failed to timely interpose objections to plaintiffs' request. Defendant having waived its right to object in any manner, plaintiffs' Motion to Compel must be allowed as a matter of law and all discovery fully answered, as follows:

- (1) as to plaintiff's interrogatories, defendant shall fully answer or re-answer each and every interrogatory in one document, without caveat, and with full names and addresses for each person named in such responses. Persons previously named as a group shall be identified by full name and address. Such interrogatory answers shall be verified by a person or persons designated by defendant to speak on its behalf (see Fed.R.Civ.P. 30(b)(6));
- (2) as to plaintiff's requests for production of documents, defendant shall fully and completely produce all documents requested by plaintiff in her requests eight

through 12. As to all document requests, defendant shall verify that the production is full and complete.

Defendant shall fully answer and respond to such discovery *not later* than 5 p.m. on Monday, August 28, 2006. If the court has not heard from plaintiff by 5 p.m. on such day, the court will assume that that plaintiff is not satisfied with the production, and a hearing will be held on Wednesday, August 30, 2006, at 2 p.m. to determine if the production is complete and what sanctions should be imposed for violation of this court Order.

Finally, based on representations of its own counsel that the defendant has frustrated compliance with discovery through the acts of its own officials, defendant is advised that further non-compliance with this or any other court Order may result in the imposition of sanctions, including but not limited to a finding of contempt of court. Defendant's Mayor *Pro Tem* as well as the Board of Aldermen are Ordered to appear at such hearing and there be prepared to answer as to why this Order has not been fully and faithfully complied with. If the court finds willful non-compliance, such officials of the Town of Marshall should be prepared to spend some time with the United States Marshal. 28 U.S.C. § 636(e) *et seq.*

ORDER

IT IS, THEREFORE, ORDERED that the plaintiff's Amended Motion to Compel (#69) is **GRANTED**, and defendant shall fully answer and respond in the manner set forth above not later than 5 p.m. on August 28, 2006. Unless cancelled by 5 p.m. on August 28, 2006, a hearing is peremptorily set for Wednesday, August 30, 2006, at 2 p.m. at which defendant's Mayor *Pro Tem* and Board of Aldermen shall be present. The court reserves the issue of attorneys fees for later consideration.

Signed: August 16, 2006

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

